

REMARKS

This is in response to the Office Action that was mailed on July 11, 2006 and to the Advisory Action that was mailed on September 15, 2006. Claims 27-30 and 49 are cancelled – without prejudice to their reassertion in this or a continuing application – in order to expedite the prosecution of this application. The feature of claim 2 is incorporated into claim 1, claim 2 is accordingly cancelled, and the dependency of claim 3 is amended. In view of the Examiner's acknowledgement that "GB 2093679A does not recite a free-flow enhancing agent", a free-flow enhancing agent (claim 5) is now specified in claim 1. The features of claims 9 and 10 are incorporated into claim 5, and claims 9 and 10 are accordingly cancelled. No new matter is introduced into the application by this Amendment. With this Amendment, claims 1, 3, 5-8, 11, 12, 14-18, 20-24, 26, 31, 32, and 41-48 remain pending in the application.

ADVISORY ACTION. Applicants respectfully question the reason for the Examiner's announcement that the particles of GB 2 093 679 A have a uniform particle *size* of 1 micron. Uniform particle size in no way implies that there is a monomodal *distribution* of the particles. GB 2 093 679 A is totally silent regarding particle distribution. In fact, particle size distribution in contexts such as that of GB 2 093 679 A is generally bimodal. It takes certain types of milling to achieve the monomodal particle size distribution which characterizes the present invention.

Claims 1-3, 7-12, 14-18, 20-24, 31, 32, and 42-48 were rejected under 35 U.S.C. §102(b) as being anticipated by GB 2 093 679 A ("Oven"). The Examiner has failed to state a sustainable basis for this rejection. Specifically, nothing in the Examiner's statement of the

rejection addresses the recited feature “the d[0.5] value is less than 100 micrometres and the d[0.9] value is less than 300 micrometres”. To anticipate a claim, the reference must teach every element of the claim. MPEP 2131. Nevertheless, even though the Examiner has not stated a sustainable rejection of any of these claims under 35 U.S.C. §102(b), Applicants are willing by the present Amendment to introduce additional features into claim 1 in order to provide a claim that is manifestly distinguished over the prior art. It is emphasized, however, that even if the present Amendment is not entered, Applicants believe that the currently stated rejection of claims 1-3, 7-12, 14-18, 20-24, 31, 32, and 42-48 as being anticipated by the Oven reference would not be sustainable on appeal. Incidentally, it is not clear why claim 10 is included in this ground of rejection.

Claims 5 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Oven in view of US 5,529,800 (Bourns). Office Action, page 3. Claims 6 and 41 were are rejected under 35 U.S.C. §103(a) as being unpatentable over Oven in view of Bourns and US 5,871,781 (Myers). The Examiner has failed to state a sustainable basis for these rejections. With respect to the rejection of claim 26, nothing in the Examiner’s statement of the rejection addresses the recited feature “the d[0.5] value is less than 100 micrometres and the d[0.9] value is less than 300 micrometres”. With respect to the rejection of claims 5, 6, and 41, nothing in the Examiner’s statement of the rejection addresses the recited feature “the d[0.9] value is less than 50 micrometres and the d[0.1] value is less than 10 micrometres”. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must

be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Nevertheless, even though the Examiner has not stated a sustainable rejection of any of these claims under 35 U.S.C. §103(a), Applicants are willing by the present Amendment to introduce additional features into claim 26 (via claim 1) in order to provide a claim that is manifestly distinguished over the prior art. With respect to independent claim 5, Applicants propose introducing the features which the Examiner has considered in dependent claims 9 and 10 into independent claim 5. It is emphasized, however, that even if the present Amendment is not entered, Applicants believe that the currently stated rejection of claims 5, 6, and 41 as being unpatentable over the Oven reference would not be sustainable on appeal, for the reasons set forth in the Amendment which was filed herein on April 13, 2006.

Claims 27-30 and 49 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 5,362,512 (Cabrera) in view of US 4,005,225 (Craig). Applicants disagree with the merits of this rejection. However, solely in order to expedite the prosecution of the present application, claims 27-30 and 49 are cancelled.

If the Examiner has any questions concerning this application, he is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any

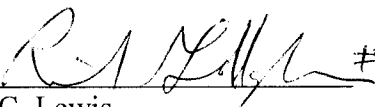
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additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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